IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20704 of 2004

Between:

T.Vasudeva Reddy, S/o.Obi Reddy
R/o.Chinna Podamala village, Tadipatri Mandal, Anantapur Dist.

..... PETITIONER

AND

1 The Joint Collector, Anantapur.
2 The Revenue Divisional officer, Anantapur.
3 The Mandal Revenue officer, Tadipatri Mandal, Anantapur Dist.
4 T.Mallikarjuna Reddy, S/o.Kona Basi Reddy,
R/o.Chinna Podamala village, Tadipatri Mandal, Anantapur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the order of 1st respondent passed in Rc.No. K4/ATP/1219/2004 dated 3-11-2004 in refusing to grant stay pending disposal of the appeal as illegal arbitrary and consequently stay the order of the 2nd respondent passed in Rc.No.D1/CS/1424/2004 dated 16-10-2004 pending disposal of the appeal before the 1st respondent and pass such other order or orders.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: Mr.A.Prabhakara Sarma, Advocate

The Court at the stage of admission made the following O R D E R:

The petitioner is an authorised dealer of fair price shop of Chinna Podamala Village, Tadipatri Mandal, Anantapur District.

The authorisation of the petitioner was suspended pending enquiry by the second respondent-Revenue Divisional Officer, Anantapur, by proceedings dated 16-10-2004. It appears that before passing the said order, a show cause notice dated 05-10-2004 was issued calling upon the petitioner to explain the allegations specified thereunder. The petitioner states that in pursuance thereof, he has submitted his explanation to the second respondent and also requested him to furnish a copy of the report dated 29-09-2004 of the third respondent-Mandal Revenue Officer, Tadipatri Mandal, Anantapur District, basing on which the proceedings were initiated against him. The petitioner states that though the copy of the said report was furnished on 16-10-2004, strangely, on the same day, by separate proceedings, the second respondent suspended the authorisation of the petitioner, pending further enquiry. Against the said order, the petitioner preferred an appeal before the first respondent-Joint Collector, Anantapur. The first respondent, having entertained the appeal, by proceedings dated 03-11-2004, called for the relevant records from the second respondent, but refused to grant stay. Aggrieved by the said action, the present writ petition is filed.

I have heard the learned counsel for the petitioner, learned counsel for the fourth respondent as well as the learned Government Pleader for respondents 1 to 3.

Learned counsel for the petitioner submits that the first respondent is not justified in rejecting the stay application without going into the merits of the case and merely observing that the fourth respondent herein filed a caveat. Learned counsel further submits that the petitioner has lifted the stocks for the month of October, 2004 and

therefore it would be appropriate to continue him till the disposal of the statutory appeal.

On a perusal of the order dated 03-11-2004 passed by the first respondent, I do not find any substance in the contention of the learned Counsel for the petitioner that the first respondent has rejected the application for stay filed by the petitioner. It is true that the first respondent has mentioned that one Sri Mallikharjuna Reddy, a resident of Chinna Podamala village filed a caveat petition seeking prior notice in the event of stay petition / appeal filed by the petitioner herein. However, the first respondent has not passed any orders on the application for stay filed by the petitioner and merely requested the second respondent – Revenue Divisional Officer, Anantapur to send his remarks along with connected record for hearing the appeal.

In the circumstances, I am of the view that it would be appropriate to direct the first respondent to dispose of the application for stay filed by the petitioner expeditiously. At this stage, it would not be appropriate for this Court to go into the merits of the case and to express any opinion as to the correctness of the order of suspension dated 16-10-2004.

Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the application for stay filed by the petitioner and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

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11-11-2004

kdl

To

1 The Joint Collector, Anantapur.
2 The Revenue Divisional officer, Anantapur.
3 The Mandal Revenue officer, Tadipatri Mandal, Anantapur Dist.
4 Two C.Cs to the Government Pleader for Civil Supplies, High

Court Buildings, A.P., Hyderabad (OUT)

5 Two C.D copies